



राजपत्र, हिमालच प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 2 सितम्बर, 1972/11 भाद्रपद, 1894

GOVERNMENT OF HIMACHAL PRADESH

LABOUR DEPARTMENT

NOTIFICATION

Simla-2, the 5th August, 1972

No. 13-6/71-SI.—In exercise of the powers conferred by section 34 of the Himachal Pradesh Shops and Commercial Establishments Act, 1969 (Act No. 10 of 1970), the Governor, Himachal Pradesh is pleased to make the following rules for the purposes of the said Act, the same having been previously/published vide this Government notification of even number, dated the 21st June, 1971.

RULES

1. Short title.—These rules may be called the Himachal Pradesh Shops and Commercial Establishments Rules, 1972.

2. Definitions.—(i) In these rules, unless there is anything repugnant in the subject or context,—

- (a) "Act" means the Himachal Pradesh Shops and Commercial Establishments Act, 1969;
- (b) "Chief Inspector" means the Chief Inspector of Shops and Commercial Establishments, Himachal Pradesh.
- (c) "Form" means a form appended to these rules;
- (d) "Section" means a section of the Act.

(ii) Words and expressions used in the Act and not defined in these rules shall have the meanings assigned to them in the Act.

3. Application for Registration and Grant of Registration Certificate.—The employer of every establishment shall submit to the Inspector concerned a statement as required by section 13 in Form No. 1 for the registration of the establishment and grant of registration certificate after remitting fee as prescribed in Schedule I.

4. Manner of registering of establishment and Form of Registration Certificate.—On receipt of the statement and fees, the Inspector shall, on being satisfied about the correctness of the statement, register the establishment in the Register of Establishment in Form No. 2 and shall issue a registration certificate in Form No. 3 to the employer of the establishment.

5. Notice of Change.—(1) The employer shall give notice to the Inspector of the area concerned in Form 4 of any change in respect of any information contained in his statement submitted in Form No. 1 within seven days after the change has taken place together with the registration certificate.

(2) The fee for such change shall be one rupee plus the amount, if any, payable as specified in Schedule I having regard to the increase in the number of employees.

(3) On receipt of notice of change in Form 4 along with fee as provided in sub-rule 2, the Inspector shall amend the registration certificate or issue a fresh one, if necessary and send it to the employer.

6. Renewal of Registration Certificate.—(1) A registration certificate may be renewed by the Inspector.

(2) Every application for the renewal of registration certificate shall be in Form No. 1 prescribed under Rule 3 and shall be made by 31st March every year, and if the application is so made the premises shall be deemed to be duly certified until the Inspector renews the registration certificate.

(3) The same fee shall be charged for the renewal of registration certificate as for the grant thereof:

Provided that if the application for renewal of a registration certificate is not received within thirty days after the expiry of the date of the registration certificate, the registration certificate shall be renewed only on payment of fee 50 per cent in excess of the fee ordinarily payable for the registration.

7. Transfer of Certificate.—(1) A registration certificate issued under these rules shall not be transferable and if ownership of any shop or establishment is transferred, the employer shall, within fifteen days of such transfer, notify the fact of transfer and surrender the certificate of registration

to the Inspector of the area and he shall submit to the Inspector a statement signed by himself specifying the name and address of the transferee.

(2) The Inspector on receipt of information required to be sent under sub-rule (1) shall cancel the certificate of registration and amend the register of establishments accordingly.

(3) The transferee shall apply for new registration certificate within thirty days from the date of transfer.

(4) The notice of closing the establishment as required under sub-section (5) of section 13 shall be given by the employer to the Inspector within whose areas the establishment is situated.

8. Procedure on death or disability of employer.—If the employer dies or becomes insolvent, the person carrying on the business of such employer shall not be liable to any penalty under the Act for exercising the powers granted to the employer by the registration certificate during a period of 90 days to enable him to make an application for the amendment of the registration certificate under rule 5 in his own name for the un-expired portion of the original registration certificate.

9. Loss of Registration Certificate.—Where a registration certificate granted under these rules is lost, destroyed or defaced a duplicate copy may be granted on payment of a fee of rupees 2.

10. Payment of fees.—(1) All fees payable under these rules shall be paid either into the local treasury under the head of account XXXII—Miscellaneous-Social Development Organisation-Labour and Employment-Fee Realised under the Himachal Pradesh Shops and Commercial Establishments Act, 1969 or by an un-crossed postal order in the name of Inspector of Shops and Commercial Establishments of the Area concerned, and wherever an application is required to be accompanied by any such fee, it shall be accompanied by :

(a) a treasury receipt in token of such fee having been paid into treasury, or

(b) an un-crossed postal order of the requisite value.

(2) The fee once remitted shall under no circumstances be refunded.

(3) The amount of fees received in pursuance of sub-rule (1) by way of un-crossed postal order, shall be deposited into treasury by the Inspector during the week following the one to which the fees relate under head XXXII-Miscellaneous-Social Development Organisation-Labour and Employment-Fee Realised under the Himachal Pradesh Shops and Commercial Establishments Act, 1969.

(4) The Inspector shall submit the monthly cash report to the Chief Inspector in Form No. 5.

11. Close-day.—Every establishment to which this Act applies shall remain closed on one day in a week as provided in Schedule II.

12. Form of intimation under section 10 of the Act.—(1) An intimation under clause (i) of sub-section (2) of section 10 of the Act shall be sent by the employer in Form No. 6 to the Inspector within whose local limits the establishment is situated:

Provided that such intimation need not be sent by an employer within whose establishment no employee is working.

(2) If any employer referred to under the proviso to sub-rule (1) employs in his establishment any person at any subsequent time, he shall send the

intimation in Form No. 6 to the Inspector within one week of the employment of such person.

13. Form and display of notices under section 20 of the Act.—(1) The notice under sub-section (1) of section 20 of the Act to be exhibited by the employer in his establishment shall be in Form No. 7.

(2) The registration certificate obtained in Form No. 3, shall be displayed by the employer at a conspicuous place.

14. Maintenance of Registers.—The employer of every establishment about the business of which persons are employed shall main tain the following registers, namely:—

- (1) A register of employees in Form No. 8.
- (2) A register of wages of employees in Form No. 9.
- (3) A register of deductions in Form No. 10.
- (4) A register of leave with wages in Form No. 11.

15. Language etc. in which records and registers are to be kept.—(1) Every register, form or record required to be maintained or furnished under the Act and these rules shall be in English or Hindi and all entries therein shall be legibly made in ink.

(2) Every such register shall be duly bound and page marked in serial number.

16. Preservation of records.—All registers and records required to be maintained under the Act and these rules shall be preserved by the employer for a period of three years to be calculated from the date to which such record or registers relate.

17. Payment of overtime.—The payment in respect of overtime work shall be made by the employer to an employee on the next pay day.

18. Utilisation of fines imposed on employees.—Act and Commissions on the part of the employees for purposes of imposition of the fine and the manner in which the amount of fine so imposed is to be utilised as laid down in section 8 of the Payment of Wages Act, 1936, shall be approved by the Chief Inspector on an application duly made by the employer in that behalf.

19. Powers of Inspector.—For carrying out the purposes of the Act an Inspector may:—

- (i) cause to be taken a photograph of any employee or the premises of any establishment; and
- (ii) call for any information, document or record, and obtain a copy thereof or take into possession any register form, document or record maintained under the Act and these Rules;
- (iii) Prosecute, conduct, and defend before a court any complaint and other proceedings arising under the Act or in discharge of his duties as an Inspector.

20. Maternity benefit.—(1) The maternity benefit payable to a woman under section 30 of the Act shall be at the rate of her average daily wages earned during the three months immediately before the period of six weeks preceding the day of her delivery.

(2) The payment of maternity benefit accruing to a woman employee shall be made to her at any time not later than one week after the date of her delivery.

(3) The amount payable to a woman employee as maternity benefit

in accordance with the foregoing rules shall for the purposes of this recovery be deemed to be a part of her wages illegally withheld.

21. Conditions for grant of exemption.—No application for the grant of an exemption under section 27 of the Act shall be entertained unless received by the Chief Inspector within one month before the date of commencement of the period in respect of which the exemption is required.

22. Health.—(1) The premises of every establishments dealing exclusively in meat, fish dairy produce, bread, confectionery, sweets, ice-cream, cooked food, beverage, drink and refreshments shall be:—

- (i) kept clean and free from accumulation of dirt and refuse;
- (ii) properly ventilated so as to permit sufficient air and light into the premises;
- (iii) kept sufficiently lighted during all working hours;
- (iv) white-washed and varnished at least once in a year and notice indicating the date of last white-washing and varnishing shall be exhibited in the premises.

(2) Where the floor of the premises of an establishment is liable to become wet in the course of any manufacturing process effective means of drainage shall be provided and maintained.

(3) In every establishment which is a workshop or in which articles are produced, adapted or manufactured with a view to their use, transport or sale, adequate washing facilities shall be provided and maintained for the use of employees such as soap, towel, nail brush, etc.

(4) In every establishment in which, by reason of the manufacturing process carried on, there is given off any dust or fume or other impurity of such nature and to such an extent as is likely to be injurious or offensive to the persons working therein or any dust in substantial quantities, effective measures shall be taken to prevent its inhalation and accumulation in the premises and if any exhaust appliance is necessary for this purpose, it shall be applied as near as possible to the point of origin of the dust, fume or other impurity, and such point shall be enclosed so far as possible.

23. Safety.—(1) Every dangerous part of a machinery in an establishment shall be securely fenced by safeguards of substantial construction which shall be kept in position while the parts of machinery they are fencing are in motion or in use.

(2) In every establishment, where manufacturing process is carried on with the aid of electric power, suitable devices for cutting off power in emergencies from running machinery shall be provided and maintained.

(3) No employee with loose fitting clothes on shall be allowed or made to work near the moving machinery or belt and the light fitting clothes for the purpose will be provided by the employer.

24. Precautions in case of fire.—(1) Every establishment shall be provided with adequate means of escape in the case of fire.

(2) No person shall smoke or use a naked light or cause or permit any such light to be used in the immediate vicinity of any inflammable material in any establishment.

25. Welfare.—(1) The employer of every establishment, where smoke is produced in the course of carrying out its business, will take effective measures to exhaust out the smoke in order to safeguard the health of the persons employed in the premises.

(2) The employer of establishment where food drink and beverage is served shall ensure that his employees are free from any infectious/contagious disease. A certificate in Form No. 12 to the effect that the person is free from communicable diseases shall be obtained and produced before the Inspector on demand.

26. Period for supplying information required by Inspector.—Any information or document required by the Inspector in his office for carrying out the purposes of the Act and these rules shall be furnished to him by the employer of every establishment within one week from the date on which such requisition is received by the employer.

27. Authority competent to prosecute.—A prosecution under this Act shall be instituted on a complaint in writing before a court of competent jurisdiction by the Chief Inspector appointed under this Act or by an Inspector in whose jurisdiction the offence is committed, with the prior approval of the Chief Inspector.

FORM No. 1

(See Rule 3 and 6)

Statement under section 13 of Himachal Pradesh Shops and Commercial Establishments Act, 1969 for registration renewal of establishments for the year.....

PART I

- (1) Name of the establishment.....
- (2) Name and percentage of employer.....
- (3) Name of Manager, if any.....
- (4) Full postal address of the establishment.....
- (5) Category of the establishment, i.e. whether a shop commercial establishment, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment.
- (6) Nature of business.
- (7) Residential address of the employer.
- (8) Names of the partners and residential address (if a partnership concern).
- (9) Date of commencement of business.

PART II

- (10) Names of members of employers' family engaged in the establishment.

Relationship	Adults	Young persons
<i>Males:</i>		
1.		
2.		
<i>Females:</i>		
1.		
2.		Total.....

(11) No. of the employees:

- (i) Young persons
- (ii) Other persons.

Total

(12) Maximum No. of employees proposed to be employed during the year.

PART III

13. Amount of fee Rs..... (Rupees

- (i) paid in..... Treasury on.....
vide Challan No.....(enclosed in original).
- (ii) transmitted by un-crossed postal order No.....
dated.....of the.....post
office drawn in favour of Inspector of Shops and Commercial Establishments.....

14. No. and date of registration certificate (to be given in the case of renewal) Registration certificate attached.

The above information is correct to the best of my knowledge.

*Signature of the employer.
(Name and full address).*

Date of declaration.

Note.—(1) This statement shall be sent to the Inspector with such fees as are prescribed.
(2) This form should be filled in ink in block letters or typed.
(3) The fee shall be calculated on the maximum No. of employees during the year.

FORM NO. 2

(See Rule 4)

REGISTER OF ESTABLISHMENT

Part I Shops.

Part II Commercial Establishments.

Part III Residential Hotels, Restaurants, Eating Houses etc.

Part IV Theatres and other places of public entertainments or amusements.

Sl. No.	No. and Name of employer	Date of registration	Name and address of establishment	Nature of business	No. of employees		
					Young persons	Other persons	Total
1	2	3	4	5	6	7	8

Maximum No. of employees for which cer- tificate granted	No. of members of em- ployers' family			Fees paid for regis- tration	Renewed for the year.....	
	Male	Female	Young persons		No. of employees	Fees paid
9	10	11	12	13	14	15

Renewed for the year	Renewed for the year.....	Renewed for the year	Remarks		
No. of employees	No. of employees	Fees paid	No. of employees	Fees paid	22
16	17	18	19	20	21

FORM No. 3
(See Rule 4)

Himachal Pradesh Shops and Commercial Establishments Act, 1969
“Registration Certificate of establishment”

1. Name of the establishment.
2. Name of the employer.
3. Postal address of the establishment.
4. Registration No.
5. Number of employees.
6. Nature of business.

It is hereby certified that the establishment as mentioned herein has been registered as a*.....under the Himachal Pradesh Shops and Commercial Establishments Act, 1969 this.....day of.....

*Inspector,
Shops and Commercial Establishments.*

*Here insert the category of the establishment.

RENEWALS

Date of renewal 1	For the year 2	Signature of the Inspector of Shops and Commercial Establishment with Seal 3
1.		
2.		
3.		
4.		
5.		
6.		
7.		

FORM No. 4)

(See Rule 5)

Form of change in respect of information contained in statement required by sub-section (4) of section 13 of the Himachal Pradesh Shops and Commercial Establishments Act, 1969

To

The Inspector of Shops and Commercial Establishments
Circle

I hereby notify that the following change(s) has/have with effect from(date taken place in respect of the information relating to my estbalishment as supplied by me in my statement dated).

My registration certificate number is.....
dated.....

(Here mentioned the change)

.....
.....
.....

Dated.

Signature of the employer.

- Note.—*(1) The change is required under sub-section (4) of section 13 of the Himachal Pradesh Shops and Commercial Establishments Act, 1969 to be notified by the employer within seven days after the change has taken place.
- (2) Notice of change in this form shall be sent together with fees as per sub-rule (2) of rule 5.

FORM No. 5

[See Rule 10(4)]

Himachal Pradesh Shops and Commercial Establishments Rules, 1972
MONTHLY CASH REPORT

Circle.

Fees collected during the month ending....

Name of Inspector.

Date	Name and address of the employer	Nature of Business	Maximum No. of employees	Details of fees	Rs. Charged
1	2	3	4	5	6

Mode of Deposit

In case of direct deposit in the treasury by the employer

In case of deposit through uncrossed postal order

Name of treasury/ sub-treasury	Date of deposit	Treasury receipt No.	No. and date if Postal order	Name of post Office from where issued	Date of deposit in the treasury by the Inspector with Treasury Receipt No. and name of treasury.	Remarks
7	8	9	10	11	12	13

*Signature of Inspector.
Seal.*

Note.—This form shall be bound in the shape of register in duplicate. Original shall be sent to the Chief Inspector and duplicate retained by the Inspector.

FORM NO. 6

(See Rule 12)

Intimation under section 10(2)(i) of the Himachal Pradesh Shops and Commercial Establishments Act, 1969

Registration No.....

To

The Inspector of Shops and Commercial Establishments, Circle.....

I hereby furnish the following information which is correct to the best of my knowledge.

The working hours and the period of interval of the persons employed in my establishment are fixed below and shall take effect from (date).....

Name of the employee and father's name	Working hours		Interval for rest	
	From 2	To 3	From 4	To 5
1				

Young persons:

- 1.
- 2.
- 3.
- 4.

Other persons:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

Sd/-
Name and parentage of employer with full address.

Dated.....

FORM No. 7

Notice to be exhibited under section 20(1) of the Himachal Pradesh Shops and Commercial Establishments Act, 1969 :

(See Rule 13 of the Himachal Pradesh Shops and Commercial Establishments, Rules, 1972)

	Year.		
	<i>Relation- ship</i>	<i>Adults</i>	<i>Young persons</i>
1. Close-day, if any.			
2. Opening hour of the establishment.....			
3. Closing hour of the establishment.....			
4. Name and parentage of the employer.....			
5. Full postal address of the establishment.....			
6. Name of the establishment.			
7. Nature of Business.			
8. Names of the employers' family engaged in the establishment.			
(1) Males:			
(i)			
(ii)			
(iii)			
(2) Females:			
(i)			
(ii)			
(iii)			
Total ..			

9. Name of the employees and father's name	Working hours		Interval for rest		Weekly off day
	From	To	From	To	
(1) Young persons:					
(i)					
(ii)					
(iii)					
(iv)					
(2) Other persons:					
(i)					
(ii)					
(iii)					
(iv)					
(v)					
(vi)					
(vii)					

Registration No.
Date of declaration.

*Signature of employer
(Name and full address).*

Note.—“Family” in relation to employer means:—

- (i) spouse;
- (ii) Children and step-children; and
- (iii) parents, sisters and brothers if residing with and wholly dependent upon him.

FORM NO. 8
(Register of employees)
(See Rule 14)

**Rule 14 of Himachal Pradesh Shops and Commercial Establishments
Rules, 1972**

Name of establishment..... Year and month.....
 Name of employee..... Father's/Husband's name.....
 Age..... Nature of work.....
 Whether employed on daily monthly, contract piece rate-wage with
 rate..... Date of appointment.

Spread over			Total	Intervals for rest and meals		Total working hours	
Date	From	To		From	To	Total	
1	2	3	4	5	6	7	8

Overtime	Total	Remu-	Leave	Re-	Signa-	Emp-			
From	To	neration	Duration	Date	Date	loyees			
9	10	11	12	13	14	15	16	17	18

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.

- 14.
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.
- 21.
- 22.
- 23.
- 24.
- 25.
- 26.
- 27.
- 28.
- 29.
- 30.
- 31.

- 1. Total hours of overtime employment during the month.
- 2. Leave availed during the month.....

Note.— If any employee has worked with a previous employer, the hours worked with him may be shown in the "Remarks" column.

FORM NO. 9
Register of Wages of Employees
(See Rule 14)

**Rule 14 of Himachal Pradesh Shops and Commercial Establishments
 Rules, 1972**

Name of employee..... Month..... Year.....
 Wages fixed.....

Arrears from last month	Wages due	Deductions as shown in register in Form No. 11
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Wages earned during the month.	Ordinary.....	Overtime.....
	Total.....	

Advances made on (date)	Payment made	Signature of employee	Signature of em- ployer
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Total balance carried
over.

Remarks.

..... Stamps.

FORM NO. 10
Register of Deduction
(See Rule 14)

**Rule 14 of the Himachal Pradesh Shops and Commercial Establishments
Rules, 1972**

Name of establishment..... Year..... Acts
and Omissions approved by the authorities.

Sl. No.	Name of employee	Paran- tage	Wage period	Wages payable	Amount deduct- ed	Fault for which deduc- tion made	Date of deduc- tion
1	2	3	4	5	6	7	8

Whether employee showed cause against deduction	Amount of deduc- tion and purpose for which utilized	Date of utilisa- tion	Balance with the employ- er	Signature of employ- ee	Signature of employ- er	Remarks
9	10	11	12	13	14	15

FORM No. 11
(See Rule 14)
Register of Leave with wages

Leave due 1	Date of application 2	No. of days applied for 3	Leave available 4	Balance 5	Remarks 6

FORM No. 12

See Rule 25(2) of Himachal Pradesh Shops and Commercial Establishments Rules, 1972

I hereby certify that Shri/Shrimati..... son of/daughter of..... Age resident of District..... has been thoroughly examined by me and is considered to be free from any communicable diseases and is fit for being employed, where food, drink and beverage is served to customers.

His mark of identification.....
Signature or thumb-impression of the person examined.

Signature and the designation of the competent medical authority.

Dated

SCHEDULE I
(See Rule 3 and 6)

Sl. No.	Category of establishment	Fee for registration/ renewal
1.	Establishments employing no persons	Rs. 2.00.
2.	Establishments employing upto two persons	Rs. 3.00.
3.	Establishments employing more than two but less than five persons ..	Rs. 5.00.
4.	Establishments employing five and upto ten persons ..	Rs. 10.00.
5.	Establishments employing more than ten persons ..	Rs. 15.00

SCHEDULE II
(See Rule 11)

Sl. No.	Name of place	Weekly close day
I	<i>Within limits of Simla Municipal Corporation</i>	Sunday.
II	<i>Municipal Areas:</i>	
	1. Nalagarh	Sunday.
	2. Mandi	Sunday.

<i>Sl. No.</i>	<i>Name of place</i>	<i>Weekly close day</i>
3.	Sundernagar	Sunday.
4.	Rampur	Sunday.
5.	Solan	Sunday.
6.	Theog	Sunday.
7.	Bilaspur	Sunday.
8.	Shri Naina Devi Jee	Sunday.
9.	Kulu (Sultanpur)	Sunday.
10.	Nurpur	Sunday.
11.	Kangra	Sunday.
12.	Una	Sunday.
13.	Paonta Sahib	Sunday.
14.	Chamba	Sunday.
III Cantonement/Municipal Areas:		
15.	Dalhousie	Monday.
16.	Kasauli	Monday.
17.	Dagshai	Monday.
18.	Jutogh	Monday.
19.	Subathoo	Monday.
20.	Bakloh	Monday.
21.	Khas Yol	Monday.
22.	Nahan	Monday.
23.	Dharamsala	Monday.
24.	Palampur	Monday.
IV Other areas notified by Government under section 1 (4) of the Act		Sunday.
V Other such areas in which Municipal Committee is established by the Government after the promulgation of these rules		Sunday.

By order,
P. K. MATTOO,
Secretary.

EXCISE AND TAXATION DEPARTMENT NOTIFICATION

Simla-2, the 30th August, 1972

No. 54/70 E&T (Sectt).—In continuation of the Himachal Pradesh Government, Excise and Taxation Department notifications of even number, dated the 27th September, 1971 and 29th March, 1972, and in exercise of powers conferred by proviso (a) to sub-section (1) of section 7 of the Himachal Pradesh Urban Immovable Property Tax Act, 1968, the Governor of Himachal Pradesh is pleased to order that the period of current valuation list in respect of Palampur and Simla Rating Areas shall be extended further by six months so that the new valuation list in respect of the said Resting Areas comes into force on 1st April, 1973 instead of 1st October, 1972.

P. K. MATTOO,
Secretary.

नियन्त्रक, मुदण तथा लेखन सामग्री, हिमाचल प्रदेश, शिमला-३ द्वारा मुद्रित तथा प्रकाशित।